

# Future of the Oahu Community Correctional Center

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## Hawaii Department of Public Safety

The Hawaii Department of Public Safety (PSD) carries out orders from the state courts to confine individuals for a set period of time utilizing jails and prisons located within Hawaii, at the Federal Detention Center in Honolulu, and in private contracted facilities on the mainland. Jails, known in Hawaii as Community Correctional Centers (CCCs), are located on the islands of Kauai, Maui, Hawaii and Oahu and house pre-trial detainees, misdemeanor offenders, and others with a sentence of one year or less. CCCs also provide a pre-release transition function for prison inmates who reach less than a year until their scheduled release. While some offenders will remain confined for life, over 95 percent will serve their sentences and be released to the community.

PSD envisions a future when all its facilities provide safe, secure, healthy, and humane environments for offenders and staff. A future based on better understanding the differing needs of offender populations, using therapeutic rather than punitive management techniques, ensuring racial equity, and by promoting positive change so that fewer individuals are incarcerated in Hawaii. However, aged and obsolete CCCs have undermined PSD's ability to deliver such a vision and improving some facilities and replacing others is a PSD priority. Chief among its priorities is development of a new Oahu CCC (OCCC) at the Animal Quarantine Station (AQS) in Aiea. Assisting with OCCC planning and development is the Department of Accounting and General Services (DAGS) and a team of national experts and advisors (the "OCCC Team").

In 2022, the Hawaii Legislature established a new Department of Law Enforcement to consolidate various state law enforcement divisions, including PSD's, in a single new agency. When the transition is fully implemented on January 1, 2024, PSD will become the Department of Corrections and Rehabilitation. Until then, PSD will maintain both law enforcement and corrections responsibilities.

## Legislature Considering Measures Affecting Criminal Justice System

On January 18, the Hawaii Legislature convened for the 2023 session to consider many important legislative actions including those dealing with the state's criminal justice system. With the 2023 legislative session well underway, various measures affecting the criminal justice system remain under consideration that are intended to improve the functioning of the correctional system. For example, the Hawaii legislature is currently considering proposed HB1129/SB710, which would appropriate funds for the education and reentry programs for incarcerated women (described below). Other bills currently under consideration are summarized below.

**HB451 Relating to Incarcerated Individuals.** Amends Act 125, Session Laws of Hawaii 2022, to extend the time to expend appropriations for the establishment of a pilot visitation and family resource center at the Waiawa Correctional Facility, and makes conforming amendments related to the establishment of the Department of Corrections and Rehabilitation. Appropriates additional funds to implement the pilot visitation and family resource center at the Waiawa Correctional Facility.

**HB1129 Relating to Incarcerated Women.** Appropriates moneys to the University of Hawaii Windward Community College for the education and reentry program for incarcerated women developed and administered by Hawaii Friends of Restorative Justice. Authorizes the University of Hawaii Windward Community College to award grants to a private entity.

**HB1131/SB711 Study Relating to Gender Parity in Programs for Incarcerated Women.** Requires the University of Hawaii to conduct a comparative study of all programming offered to persons incarcerated at correctional facilities in the State, for the purpose of identifying gaps in programming offered to women offenders.

**HB1132 Relating to the Hawaii Correctional System Oversight Commission.** Extends the term of the Oversight Coordinator for the Hawaii Correctional System Oversight Commission. Specifies that the Commission shall take measures as necessary to maintain confidentiality in investigations. Broadens the Oversight Coordinator's power to make inquiries, obtain information, and inspect the premises of agencies and correctional facilities.



Opening of 2023 Legislature Session January 18, 2023

**HB823 Relating to Deaths Within the Correctional System.**

Expands the scope of inmate deaths that are to be reported to the Governor and Legislature. Requires reports to be published on the Department of Corrections and Rehabilitation website. Requires reports on the cause of death and mandates public access to certain information within those reports.

**SB712 Relating to Adult Corrections Officers, Trauma-informed Certification Program.**

Appropriates moneys to support a trauma-informed certification program for adult corrections officers at the Windward Community College campus of the University of Hawaii. Requires the curriculum to include a Level I trauma-informed care course designed for adult corrections officers.



**Photo credit: Nathan Christopher/Big Island Now**



**2023 Legislature Meets at State Capitol Building**

**HB68 Relating to Criminal Justice Research Institute, Centralized Data System.**

Appropriates funds to establish a centralized statewide criminal pretrial justice data reporting and collection system pursuant to state law.

**SB210 Working Group Relating to Criminal Justice Data Sharing.**

Establishes a criminal justice data sharing working group to make recommendations for a statewide criminal justice data repository.

**HB824 Relating to Medical Release Program, Compassionate Release, Medical Assistance.**

Creates a medical release program within the Department of Public Safety for certain ill, disabled, or impaired inmates who pose a low risk to public safety.

**HB1442 Relating to Mental Health Treatment Diversion, Probation Violators, Behavioral Health Crisis Centers.**

Expands the criminal justice diversion program. Amends the allowable period of court-ordered assisted community treatment and considerations for extensions. Allows courts to require certain probation violators to undergo mental health evaluation and treatment as a condition of continued probation. Also requires the Department of Health to contract with behavioral health crisis centers.

There is widespread agreement that by enacting certain legislative reforms, the number of individuals incarcerated in Hawaii's prisons and jails could be reduced. This year, as in the past, the Legislature had the opportunity to determine what changes, if any, to laws and statutes will become permanent features of Hawaii's criminal justice system. Unfortunately, the Legislature during the current session, did not consider any reforms that could lead to a reduction in the the number of individuals incarcerated in Hawaii's prisons and jails.

The result is Hawaii's prisons and jails will continue to house llarge numbers of individuals, often in conditions that do not allow for the services, programs and treatments that aid in the rehabilitation process. Without instituting population diversion or reduction measures, conditions in prisons and jails will continue for years to come and the number of individuals will continue to grow unabated.

## Why Continue With Plans For A New OCCC?

For more than a decade, PSD has been advocating for the funds needed to improve and/or replace the state's outdated, costly, and obsolete jails and prisons. Throughout this time, PSD has been asked to explain and justify to State officials, stakeholders, and the public why devoting resources to Hawaii's prisons and jails is necessary. This is especially true of efforts to replace the current OCCC in Kalihi with a modern new facility.

All would agree that OCCC is no longer meeting the needs of the State of Hawaii. The 40+ year old facility doesn't comport with a modern correctional system nor PSD's vision for the state's criminal justice system that seeks to reduce recidivism by improving living conditions and offering programs, counseling, and related services that emphasize behavioral and mental health treatment. Included as part of the Governor's 2023 budget request to the Legislature were funds to undertake the next phase in OCCC's development. With the support of the Senate Ways and Means Committee, HB300 HD1 SD1 has been posted for consideration. The bill would provide funds during the two upcoming years for the next phases in OCCC development. Provided below are the implications if this much-needed new facility is delayed.



**Oahu Community Correctional Center (Credit: Civil Beat)**

## How does PSD intend to use the funds requested in the Governor's budget?

The requested funds are to be used for the Project Development and Delivery Phases to plan, develop, facilitate, and assist the State in the solicitation, procurement, and project delivery for the new OCCC. This includes preparation of a Request for Proposals (RFP), review of qualified proposals, and the recommendation to award to the most qualified developer team. The funds would also be used to engage a professional services consultant to be part of a Project Management Team providing professional services and support to the State of Hawaii from project solicitation to project completion of a new OCCC facility.

## What are the consequences of continuing to delay development of a new OCCC?

Conditions at the current OCCC fall far short of today's needs, standards, and expectations for modern jail facilities. Hawaii's taxpayers are continuing to fund a facility that doesn't serve its population, continues to deteriorate, and leads to offenders repeating the cycle of incarceration. OCCC does not have sufficient space for rehabilitative programs and the conditions of confinement are no longer appropriate as PSD transitions to become the Department of Corrections and Rehabilitation in 2024. With a new OCCC, individuals would be treated humanely and given a chance to be rehabilitated and the criminal justice system would function more effectively with former inmates becoming productive citizens. Individuals who end up in jail – regardless of their offense – deserve better and Hawaii's communities deserve a system that protects their safety when offenders are released.

## How are costs affected by further delaying OCCC development?

The delays experienced since 2021 to the methodical and meticulous planning process has resulted in an avoidable escalation in construction costs. Recent experience with similar large-scale construction projects in Hawaii and on the mainland has found annual construction escalation costs (labor and materials) increasing between five and eight percent. Continuing to withhold OCCC funding and delaying development will increase OCCC's design and construction costs by several million dollars a month.



**Oahu Community Correctional Center in Kalihi neighborhood.**

## Doing nothing risks federal intervention.

OCCC's current design is obsolete and in need of replacement to meet current security, housing, and operational needs. Currently, most of OCCC's infrastructure needs major repairs, with the current situation raising health, safety, and conditions of confinement issues and raises the risk of U.S. Department of Justice intervention, court-imposed fines, along with lawsuits from individuals and advocacy groups. Failure to act could also subject the State of Hawaii to direct federal oversight, thereby relinquishing control of OCCC. This would not be the first time that poor and crowded conditions at OCCC led to federal oversight. Between 1985 and 2000, a consent decree resulting from a federal class action lawsuit required the State to address overcrowding and poor conditions at OCCC and other in-state correctional facilities. Hawaii emerged from federal oversight in 2000 and since that time conditions at OCCC have deteriorated. A federal judge could once again intervene and dictate priorities for how Hawaii can spend tax revenues on its correctional facilities, along with other forms of intervention that could last for years. By restoring the requested funding to continue to move this critically needed project forward, the State can demonstrate commitment and progress.

## On-going impact of doing nothing.

The current conditions and processes at the existing OCCC present security, health and safety risks, and conditions of confinement and opens PSD to possible liability issues as a result. Doing nothing perpetuates the high rates of staff overtime as more staff and personnel are needed to counter the inefficiencies and obsolescence present at the current OCCC. OCCC is also a punitive facility, which does not align with PSD's mission to provide a restorative and rehabilitative environment for those in their custody.

## Legislature's support for OCCC is essential.

The Legislature's support for the next phase is essential to maintain the project's momentum and schedule and control future cost increases. Conversely, failing again to fund the next phase will delay the necessary work by another year and add millions of dollars to the cost of construction. Further delays will also continue to burden Hawaii taxpayers with funding an obsolete, ineffective, and costly OCCC and subject offenders and staff to the poor and worsening conditions.

## Partnership with UH CDC Advancing

In 2022, PSD initiated a partnership with the University of Hawaii Community Design Center (UH CDC) to engage stakeholders and community members throughout Oahu regarding alternative visions for the new OCCC. Through this partnership, PSD and UH CDC are researching programs and practices aimed at rehabilitation, proven reentry strategies, and restorative justice, especially for Indigenous and other racial and ethnic populations. The goal is to define a cross-jurisdictional pathway toward criminal justice reform and a continuum of care and support in Hawaii.

The UH CDC team is working independently to explore alternative facility designs, programs and models and is reaching out to



various agencies and organizations including those responsible for public health, housing, law enforcement, and the judiciary, among others to develop an equitable public engagement plan. The UH CDC team will also be conducting workshops and visioning sessions and will be reaching out to the public to announce dates and times for such sessions and how to participate.

## Community Input Encouraged

PSD continually solicits input from community members about plans for the new OCCC since community members have knowledge, awareness, and insight that may be otherwise be absent. Knowing that, OCCC team representatives are attending monthly meetings of the Aiea Neighborhood Board, Aiea Community Association, and Hawaii Correctional Systems Oversight Commission in addition to meeting with state and local officials and others. In addition to reporting on progress and accomplishments in advancing plans for the new OCCC, these forums are used as an opportunity to seek input, advice and guidance from officials, stakeholders and the public. Contact the Honolulu Neighborhood Commission Office for information about upcoming meetings and how to participate (Tel: 808-768-3710/Email: [nco@honolulu.gov](mailto:nco@honolulu.gov)). Contact the Aiea Community Association for information about upcoming meetings and how to participate: <http://www.aieacommunity.org>

In addition to distributing 48 OCCC Newsletters to over 1,500 elected and appointed officials, government agencies, media outlets, volunteer groups, and members of the public, PSD has established a dedicated website to share OCCC-related materials and to document its outreach efforts. To offer ideas and suggestions or ask questions, visit the OCCC Future Plans website: <http://dps.hawaii.gov/occc-future-plans> or contact PSD directly.



**Hawaiian 32nd Hawaii State Legislature, January 18, 2023**

## Upcoming Activities

The following activities are anticipated in the months ahead.

<p><b>April 2023</b></p>	<p>Hawaii Legislature continues 2023 session.</p> <p>Updated OCCC site plan and conceptual renderings completed.</p> <p>Construction continues at HCCC, MCCC, and WCCC.</p> <p>Public outreach and engagement continues with attendance at Aiea Neighborhood Board, Aiea Community Association, and Hawaii Correctional Systems Oversight Commission meetings.</p>
<p><b>May 2023</b></p>	<p>Hawaii Legislature ends 2023 session (May 4, 2023).</p> <p>Construction continues at HCCC, MCCC, and WCCC.</p> <p>Public outreach and engagement continues with attendance at Aiea Neighborhood Board, Aiea Community Association, and Hawaii Correctional Systems Oversight Commission meetings.</p>
<p><b>June 2023</b></p>	<p>Construction continues at HCCC, MCCC, and WCCC.</p> <p>Public outreach and engagement continues with attendance at Aiea Neighborhood Board, Aiea Community Association, and Hawaii Correctional Systems Oversight Commission meetings.</p>

## Join OCCC Email List

Add your name to the OCCC email list to receive announcements, newsletters, and other project-related materials by sending your name, affiliation (if any), and email address to: [robert.nardi@wsp.com](mailto:robert.nardi@wsp.com).

## Interested in Learning More?

For additional information visit <http://dps.hawaii.gov/occc-future-plans> or contact:

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